

THE FRANKLIN COUNTY BOARD OF SUPERVISORS HELD THEIR REGULAR MONTHLY MEETING ON TUESDAY, FEBRUARY 21<sup>ST</sup>, 2006, AT 1:30 P.M., IN THE BOARD OF SUPERVISORS MEETING ROOM IN THE COUNTY COURTHOUSE.

THERE WERE PRESENT:     Wayne Angell, Chairman  
                                     Charles Wagner, Vice-Chairman  
                                     Leland Mitchell  
                                     David Hurt  
                                     Charles Poindexter  
                                     Russ Johnson  
                                     Hubert Quinn

OTHERS PRESENT:         Richard E. Huff, II, County Administrator  
                                     Bonnie N. Johnson, Asst. County Administrator  
                                     Christopher L. Whitlow, Asst. County Administrator  
                                     B. J. Jefferson, County Attorney  
                                     Sharon K. Tudor, CMC, Clerk

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Chairman Wayne Angell called the meeting to order.  
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Invocation was given by Supervisor Charles Wagner.  
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Pledge of Allegiance was led by Supervisor Leland Mitchell.  
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**NOISE ORDINANCE PUBLIC HEARING**

Russ Johnson, Gills Creek District Supervisor, stated he would like to table/postpone the public hearing and consideration of the proposed Noise Ordinance, giving the Sheriff's Department an opportunity to test the levels to bring to the Board. The Board will get the results from the Sheriff's Department and then set a public hearing thereafter.

**(RESOLUTION #04-02-2006)**

BE IT THEREFORE RESOLVED by the Board to table the public hearing and consideration of the proposed noise ordinance until the Sheriff's Department had an opportunity to conduct field testing of sound measurement(s) and bringing forth a report back to the Board as requested.

MOTION BY:                 Russ Johnson  
SECONDED BY:             Charles Wagner  
VOTING ON THE MOTION WAS AS FOLLOWS:  
AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

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**CONSENT AGENDA**

**APPROVAL OF ACCOUNTS PAYABLE LISTING, APPROPRIATIONS, TRANSFERS & MINUTES FOR JANUARY 17<sup>th</sup> & 24<sup>th</sup>, & FEBRUARY 8<sup>th</sup>, 2006**

<u>DEPARTMENT</u>	<u>PURPOSE</u>	<u>ACCOUNT NUMBER</u>		<u>AMOUNT</u>
Sheriff	Fuel Reimbursement	3102-	5408	6,969.00
Sheriff	Phone Reimbursement	3102-	5203	14.00
Sheriff	Office Supply Reimbursement	3102-	5401	25.00
Sheriff	Food Supply Reimbursement	3301-	5402	24.00
Sheriff	Supply Reimbursement	3102-	5409	10.00
Sheriff	Project Lifesaver Donation	3102-	5105	750.00
General Properties	Country Oak Road Escrow Funds	4102-	3002	32,750.00
Board of Supervisors	Travel Reimbursement	1101-	5501	134.00
Public Safety	Training Reimbursement	3505-	5540	235.00
Public Safety	Reimbursement for equipment	3505-	7001	9,794.00
Public Safety	Overpayment	3505-	5461	100.00
Animal Control	Animal Friendly License Plates	3501-	3002	1,032.00
Economic Development	Va Commission for the Arts Grant	8105-	3002	5,000.00
Family Resources	Class Canceled	5310-	5504	291.00
Parks and Recreation	Community Program Guide Reimb	7102-	3007	3,429.00
Parks and Recreation	Reimbursement from Petty Cash	7102-	5504	276.00
Parks and Recreation	Skate Park Donations	0029-	7004	15,287.00
Parks and Recreation	SML Park Donation	0043-	7028	10,000.00



Planning & Zoning	Erosion and Soil Escrow Release	8102-	3002	9,282.00
Workforce	VWCC Reimbursement	8108-	5411	30.00
Workforce	Order Cancelled	8108-	3005	547.00
Workforce	Drink Machine Commissions	8108-	5401	125.00
Library	Book Fines, Fees, Donations	7301-	5411	555.00
Total				96,659.00

Other Appropriations

Public Safety Grant for Radio System Project

297,200.00

3000-035-0034-7001

Transfers Between Departments

None

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GENERAL REASSESSMENT RFP

During the 2002 budget negotiations, consensus was reached that all real estate located in Franklin County should be reassessed every four years instead of every five years. In order to meet the December 29<sup>th</sup>, 2007, deadline for the creation of the Reassessment Book, fieldwork needs to begin July 5<sup>th</sup>, 2006.

A draft of the general reassessment request for proposal and ad are submitted for your review. Also included as part of the draft request for proposal is a schedule (front page) showing dates and the necessary tasks that must be accomplished by those dates in order to complete the entire reassessment process by February 20<sup>th</sup>, 2008. The following breakdown of funding has been budgeted/carried over:

FISCAL YEAR	AMOUNT	TOTAL BUDGET
2005-2006 Current Balance		\$250,000
2006-2007 Additional Requested	\$125,000	\$375,000
2007-2008 Additional Requested	\$125,000	\$500,000

The total cost of the reassessment is estimated to be \$450,000-500,000.

RECOMMENDATION:

Staff respectfully requests authorization to advertise and solicit proposals for the general reassessment of all real estate located in Franklin County. Staff intends to present the reassessment proposals at the June 20<sup>th</sup>, 2006, Board of Supervisor’s meeting in order for the Board to award the reassessment contract.

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VIRGINIA ROANOKE RIVER BASIN ADVISORY RESOLUTION

As the date moves closer on implementation of the multi-state Chesapeake Bay Clean Up agreement, the funding for this and statewide water quality programs becomes a major theme for the Legislature for the current and future sessions. The Virginia Roanoke River Basin Advisory Committee (VRRBAC) is concerned that the thrust to improve the water quality of the Bay, while absolutely critical to the well-being of the citizens of the Commonwealth and to its economic interests, could override the broader water quality program needs of the streams and tributaries of the Roanoke River Basin as well as possibly other basins.

In this regard, the VRRBAC, composed of representatives from the length of the Roanoke River Basin, has unanimously endorsed the submitted resolution. We encourage you to carefully consider our concern on this issue. If there are questions on this resolution please feel free to contact the undersigned, or our DEQ Administrative Support designee Greg Anderson, whose contact information is listed below. The Committee also suggests jurisdiction bodies and other constituents copied on this correspondence express their views on this issue to their Legislators as they deem appropriate.

Thank you for your consideration and support.

*Resolution urging the inclusion of the Roanoke/Staunton River and other rivers outside the Chesapeake Bay drainage in the Commonwealth of Virginia's plans to fund water quality improvements*

Whereas, as important as the Chesapeake Bay is to the Commonwealth of Virginia, the southern rivers of Virginia, including the Roanoke/Staunton, the New, and the tributaries of the Tennessee, also are critically important to the economic development of the Commonwealth and to Southside and Western Virginia in particular; and



Whereas, the watersheds of the southern rivers of Virginia constitute approximately one-third of the landmass of the state; and

Whereas, these rivers and their watersheds contribute significantly to the scenic and recreational qualities of the Commonwealth; and

Whereas, the water quality of these rivers, lakes, and their tributaries have been severely compromised; and

Whereas, the water quality of *all* of the Commonwealth's surface waters is important to the health and safety of our citizens;

Now, therefore, be it resolved, that the Virginia Roanoke River Basin Advisory Committee, meeting in Floyd, Virginia, on January 18, 2006, does hereby support the inclusion of the Roanoke/Staunton River and the other southern rivers in all efforts to fund waste water treatment plant upgrades and other programs to improve the quality of the water resources of Virginia; and

Further, urges that, in a spirit of equity, such funding be provided on a pro rata basis to communities and other entities commensurate with the land mass and river miles in each watershed.

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**TAX EXEMPT STATUS – CRISIS PREGNANCY CENTER**

Mr. Tom Clark, Executive Director, Crisis Pregnancy Center, has submitted a letter dated November 21<sup>st</sup>, 2005, (submitted hereto) requesting the Board of Supervisors’ approval for real estate tax exemption status on the following parcel of land:

MAP NUMBER	ACREAGE	LAND VALUE	TAX TICKET
210-90	.2100	\$16,000	\$84.80
210-90	(Building Value)	\$80,300	\$425.59
TOTAL			\$510.39

In this request Mr. Clark has answered the eight (8) items as outlined in Section 58.1-3651 of the State Code (submitted hereto).

**RECOMMENDATION:**

Staff respectfully request Board authorization to advertise for public hearing during the Board’s *March 21st, 2006 Board meeting* for the requested real estate tax exemption status for Crisis Pregnancy Center on the aforementioned listed property.

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**PURCHASE OF SHRIFFF’S VEHICLES**

The Franklin County Sheriff's Office is a law enforcement agency with local jail and law enforcement responsibility. It maintains a fleet of police vehicles necessary to carry out all functions and responsibilities. Field law enforcement vehicles are normally replaced around 125,000 miles and the better of these vehicles are then reissued or reassigned to support services such as prisoner transport or spare fleet vehicles. They are maintained in this capacity until they become unreliable or repairs and maintenance become cost prohibitive. Approximately eight vehicles are budgeted to be replaced annually.

The Sheriff's Office requests to order four new marked police service vehicles as replacement vehicles for vehicles currently in use which have or will reach their 125,000 mile replacement cycle.

The Sheriff’s Office further requests to order two new marked police service vehicles as replacement vehicles for two vehicles that were recently declared total losses for which insurance compensation has been received.

The Sheriff’s Office also requests to order one new unmarked police vehicle for replacement of an unmarked police service vehicle. The vehicles taken out of service with this request would be declared surplus or reassigned as needed to replace other support vehicles in the county fleet.

The Sheriff’s Office also requests to order a new SUV type Sheriff’s Investigation vehicle to replace a current 2000 SUV Ford Explorer with 129,000 miles. The current vehicle would be requested taken out of service due to repetitive maintenance repairs.

Four of the new requested marked vehicles would be new 2006 Ford Police Interceptor vehicles through state contract number 3000-60 at a cost of **\$23,560.00** each for a Total cost of **\$ 94,240.00**.



***NOTE:** Approximately \$2,000.00 of each Ford Police Interceptor cost is for optional police equipment that is either factory or dealer installed and covered under their standard vehicle warranty. This is standard police equipment that would have to be installed before the vehicle is put into service.*

Two of the new requested marked vehicles would be new 2006 Chevrolet Impala Police package vehicles state contract number 2090-60 at a cost of **\$19,275.00** each for a Total cost of **\$38,550.00**.

The one new requested unmarked vehicle would be new 2006 Chevrolet Impala Police package vehicle through state contract number 2090-60 at a cost of **\$19,175.00**.

The new requested SUV 4WD vehicle would be a new 2006 Ford Explorer through state contract number MA-E-194-253-2 for a cost of **\$20,323.00**.

The **Grand Total** requested expenditure for these vehicles would be **\$ 172,288.00**.

**RECOMMENDATION:**

Staff respectfully request authorization to proceed with the requested purchase of vehicles as submitted.

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**NORA L. BONDS 100<sup>TH</sup> BIRTHDAY RESOLUTION**  
**RESOLUTION**

**Celebrating the 100<sup>th</sup> birthday of Mrs. Nora L. Bonds**

**WHEREAS**, Mrs. Nora L. Bonds was born on February 9<sup>th</sup>, 1906; and

**WHEREAS**, during her long and productive lifetime, she has earned the respect and affection of many people from all walks of life and all ages because of her knowledge, experience, wisdom, and community spirit; and

**WHEREAS**, by example that she has made of her life, she makes this world a better place in which to live, and it is only fitting and proper that she be appropriately recognized during this very special and memorable time of her life.

**NOW, THEREFORE, BE IT RESOLVED**, the Franklin County Board of Supervisors expresses their congratulations and best wishes to one of our Community’s longest living citizens, Mrs. Nora L. Bonds, on the happy event of her 100<sup>th</sup> birthday and thank her for all her many contributions to this wonderful County of Franklin and Commonwealth of Virginia .

**BE IT FURTHER RESOLVED**, that the Clerk of the Franklin County Board of Supervisors is authorized and directed to transmit an appropriate copy of this resolution to Mrs. Nora L. Bonds.

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**AUTHORIZATION TO SOLICIT BIDS FOR LIBRARY BOOKMOBILE**

The County Library’s existing Bookmobile is a 1989 Model with a Ford chassis and a Turtle Top fiberglass body. The vehicle has over 100,000 miles and is in poor condition. All of the vehicle’s major systems, including brakes, steering, exhaust, heating and A-C, have needed extensive repair work in recent years. The vehicle is expected to soon fall into a state of permanent disrepair, and therefore be removed from service. Citizens in the County’s outlying areas, daycare centers and nursing home populations, heavily rely on the bookmobile to fill their library needs.

Recently, Congressman Virgil Goode worked to secure an Economic Development Initiative-Special Grant through the U.S. Department of Housing and Urban Development (HUD ) in the amount of \$99,200 to assist in the replacement the old bookmobile. In addition to this grant funding, the Library has budgeted \$10,000 this fiscal year toward the new Bookmobile project. The cost of a new bookmobile is estimated at \$100,000(+). The staff has developed a list of specifications similar to the existing bookmobile. In addition to the general specifications, staff is requesting all bidders to submit both regular gas and diesel engine bid options. Once bids are received, staff will bring back a recommendation to the Board for their consideration.

**RECOMMENDATION:** Staff respectfully requests the Board of Supervisors to authorize the County Administrator and staff to advertise for bids toward the purchase of a new, County bookmobile.



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**SKATE PARK BIDS**

Franklin County is prepared to open the community's first skate park this spring. Staff presented the idea to partner with the Town on this facility in 2003. Partners and donors to the skate park project include: Rocky Mount Rotary, Town of Rocky Mount, Franklin County YMCA, Earth Environmental.

A good number of people wonder why a skate park is needed. The answer is simple – skateboarding and rollerblading cannot be considered “trends” any longer. These activities are now full-blown athletic sports on the same level as soccer, football, and basketball. Skateboarding has coverage on ESPN, ABC, and thousands of websites and magazine. Skateboarding is big business. The most recognized athlete in the United States among people under the age of 21 is a skater, Tony Hawk. Our own research in Franklin County indicates that the interest in skating is equivalent to the interest and participation rates in baseball.

To ground truth the recreation survey data, the Town and County worked in partnership to host a skate park demonstration event in winter 2005. This event featured portable ramps borrowed from Augusta County and set up in Town Hall's parking lot for one Saturday afternoon. Although the air temperature was in the 40's, over 125 youth came out to enjoy the ramps. The Roanoke Times and Franklin News-Post highlighted the event and the Times noted the uniqueness of our community in that we worked to bring families out to the event.

Like all County and Town parks, the skate park will serve all in the community free of charge. County staff focused the location of the proposed park in Rocky Mount. The County determined that the best location for the skatepark was in Rocky Mount given the community's focus as the educational and recreational center for Franklin County. After a lengthy site selection process, the County reached a collaborative agreement with the Franklin County Family YMCA Board of Directors to locate the facility adjacent to the Franklin County Family YMCA as a part of the Rocky Mount Rotary/Franklin County YMCA Community Park. There are numerous advantages to this site thanks to the YMCA partnership including staff support, visibility, access to youth and families, and convenience.

The skate park will create a place and a sense of community for youth who enjoy skateboarding and rollerblading. The facility will also serve as a site for special skating events that may draw additional visitors to the community. It is anticipated that the park will attract families from throughout the community who presently drive to Roanoke, Vinton, or Salem in order to take their children to skateboarding facilities. By building a park in Rocky Mount, the families now traveling out of the County will bring their business to Rocky Mount restaurants and shops while their children skate.

The concrete skate pad surface will be complete by the end of February. The skate area will be fenced and operate from dawn to dusk.

To complete the park, the County solicited bids from skate park ramp manufacturers. All County procurement policies were adhered to through the selection and RFP process. Six firms responded to the request.

- Bliss Products
- Rampage Ramps LLC
- True Ride Skate Ramps Incorp.
- Skatewave Ramps
- Cunningham & Associates (Spohn Ranch Skate Ramps)
- All Recreation of Virginia (

All six bids met the specific criteria identified by County staff. Upon evaluation of the bids, County staff met with the Franklin County High School Skate Club to help select the winning bid. The youth in the club reviewed the bids and proposed layouts and recommended Bliss Products.

**Bliss Ramps Specifications**

Proposal #2

American Ramp Company Pro Series Ramp Components

\$48,000 Delivered and Installed

20 Year Warranty on All Equipment



- 3/16” Steel Riding Surface
- 10 Gauge Steel Platforms
- No Fasteners in the Riding Surface
- Laser Cut Steel Framework
- MaxGrip Polyester Powdercoat on Riding Surface
- Tamper Resistant stainless Steel Hardware
- 10 Gauge Platform Guards
- 12 Gauge Powdercoated Steel Enclosures
- 3                4’ Quarter Pipe
- 1                2.5’ Picnic Table
- 1                1.5’ Launch Ramp
- 1                4”-12” Grind Rail (Launch Rail)
- 1                2’ Wedge, Flat, Stair
- 1                1.5’ Grind Rail – Kinked (round)
- 1                2’ Euro Gap
- 1                2’ Wedge, Flat, Wedge
- 1                1’ Grind Rail (Launch Rail)
- 1                2’ Jump box
- 1                3’ Planter
- 1                1’ Grindbox Radius
- 1                6” Grindbox
- 2                4’ Bank Ramp
- 2                6’ Bank Ramp

Bliss Products produce all steel ramps. Staff evaluated this selection, and concluded that Bliss Products offers the best ramp layout for this site. Further, Bliss Products offers a 20-Year warranty on the equipment and a 10% discount on additional features that was unique among responses to the RFP.

**RECOMMENDATION:**

Staff requests that the Board direct the County Administrator to award the bid to Bliss Products and enter into a contract with Bliss Products to supply the ramps to the County by no later than March 31, 2006 for \$48,000. Funding is available in account # 3000-030-0029-7004.

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**PUBLIC SAFETY VEHICLE REFURBISHMENT**

The County has a Capital Improvements account for the purpose of refurbishing and fire and EMS apparatus. Henry Fire Department is requesting \$5000 from the account to refurbish a utility truck into an air utility truck. The total cost of the project will be \$9000 of which they will pay the remaining balance. The vehicle refurbishment account was set up for such projects as this.

At present there is not a mobile air utility truck in the south end of the county. When we have a structure fire that requires the use of many air bottles we must load up and haul bottles back to a station to be refilled instead of being able to fill them on site. We have two other trucks capable of filling air bottles on site but they are located in Scruggs and Callaway. We do not have this capability in the south end of the county. Henry Fire Department will be using the funds to place an air cascade system on a truck they presently have. The total project will cost \$9000 of which they will pay the remaining \$4000.

**RECOMMENDATION:**

Staff respectfully recommends that the funds be approved in the amount of \$5000 from CIP# 023-0030-7001.

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**COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY**

The US Economic Development Administration (EDA) requires that communities wishing to seek EDA grants submit an annual list of economic development projects. In order to be eligible for EDA grants, the County’s elected body must approve and submit a list of economic development projects to the EDA annually. Action by the Board on this project list will ensure that the County may seek EDA grants. Projects on this list are ranked in three categories:

- I. Those construction or implementation projects that are in advanced stages of planning or ready to go.
- II. Construction or implementation projects in the formative stages of planning and which are not otherwise proceeding towards immediate implementation.
- III. Non-construction projects of special economic development purpose that may include special issue studies, basic data collection and analysis, feasibility studies, and technical assistance projects.



Approval of projects on this list does not commit the County to funding their completion. The list is intended to serve as a catch-all for projects that may be undertaken in 2007. Staff developed the list based on the approved capital planning previously adopted by the Board.

The proposed CEDS list is below.

Project	Priority	Description	Funding Source	Amount	Total	No. of Jobs
Franklin/Rocky Mount Ind. Park	1	Extension of industrial access, water and sewer, site improvements, and rail spur to serve expansion of existing park	EDA Local/GO Bonds Rail Access Fund	\$1,000,000 \$350,000 \$300,000	\$1,500,000	250-300
Ferrum Water System Improvements	1	Water system infrastructure improvements	USDA – RD Grant USDA – RD Loan Tobacco Commission Local			
Public Water System Development	1	Phased construction of basic water system infrastructure (Phases I & II)	USDA – RD Local	\$5,367,800 \$100,000	\$5,467,800	300
General Aviation Airport	1	6+ year project to analyze, acquire site, and develop aviation facility	FAA VA – DOA Local VDOT	\$6,055,891 \$834,301 \$208,576 \$35,000	\$7,133,768	10-15
Park System Improvements	1	Improvements to Smith Mountain Lake, Waid, Gilley's, County Recreation, East County, Windy Gap, Brubaker, Lynch, and community park sites.	DCR Local VDOT	\$150,000 \$3,000,000 \$400,000	\$3,550,000	N/A
Ferrum Downtown Improvement	1	Develop sidewalks, railroad pedestrian bridge	TEA-21 VDOT Local	\$300,000 \$190,000 \$76,835	\$566,835	20-30
Commerce Center Land Purchase	1	Purchase remaining land under option	Local	\$905,109	\$905,109	500+



Commerce Center Site Improvements	1	Grading, site development, development of package-type treatment facility	CDBG/EDA Local	\$543,840 \$105,960	\$649,800	500+
Workforce Development Center – Phase I	1	Site Preparation & Acquisition, Demolition	Tobacco Comm. VDHCD (CDBG) Local	\$150,000 \$62,100 \$321,132	\$533,232	500+
Workforce Development Center – Phase II	1	Building Development, Fit-out, electronics, teaching aids, classroom completion	Tobacco Comm. VDHCD (CDBG) Local EDA	\$1,732,804 \$637,900 \$2,173,993 \$1,000,000	\$2,600,313	500+
West Franklin Business Park	1	Continue development – roads, sewer, water, telecommunications	EDA	\$669,380	\$669,380	400+
Public Water Withdrawal Studies	1	Develop PER for water plant and prepare permit withdrawal application, purchase plant site	EPA/STAG Local	\$200,000 \$613,740	\$813,740	N/A
SML Water Withdrawal Intake	1	Construction of water withdrawal plant	EDA USDA - RD	\$473,440 \$1,893,760	\$2,367,200	N/A
Future County Regional Commerce Park	1	Acquisition of new commercial park in north County. Development, initial site grade work, roads, infrastructure. 200-500 acres	USDA – RD EDA Local Tobacco Comm.	\$500,000 \$500,000 \$2,000,000 \$1,000,000	\$4,000,000 +	500+
County Trail System	1	Development of trail system per adopted County Trail Plan	DCR Tobacco Comm. VDOT Local	\$150,000 \$100,000 \$200,000 \$100,000	\$550,000	N/A
Business Development Center	2	Development of an incubator center to spawn small business development in the County.	EDA DCHD Tobacco Comm. Local	\$1,000,000 \$250,000 \$250,000 \$500,000	\$100,000	50+
Public Water System – Phase III	2	Continuing phased development of county water system infrastructure	USDA – RD Local	\$24,085,590 \$400,000	\$24,485,590	N/A
Virtual Building	2	20,000 sf virtual building for Commerce Park	Tobacco VEDP Local	\$20,000 \$10,000 \$10,000	\$40,000	100+
New Business Park	3	Begin site study and evaluation for development of a new 500 acre Industrial/Business Park for Franklin County	Tobacco Local USDA - RD	\$40,000 \$50,000 \$25,000	\$115,000	1000
Community Center – Multi-purpose Center	3	Feasibility and Needs Analysis for Multi-Purpose	DCHD Local	\$25,000 \$25,000	\$50,000	10-20



		Community Center to serve Rocky Mount and Franklin County				
Tourism Enhancement Program	3	Produce a research and marketing initiative to promote Franklin County as a tourist destination in conjunction with the Crooked Road, VTC, and Southside Tourism Initiative	EDA Local	\$25,000 \$20,000	\$45,000	N/A
Last-Mile Broadband Expansion	3	Study and implement a last-mile solution to provide County businesses and consumers fast, accessible, and affordable telecomm service	EDA Local State	\$25,000 \$25,000 \$25,000	\$75,000	100+
Village Development	3	Development of streetscape and pedestrian improvements for village centers	EDA Local DCHD	\$50,000 \$50,000 \$100,000	\$200,000	50+

**RECOMMENDATION:**

Review the list and direct the County Administrator to submit to the US Economic Development Administration for inclusion in the 2007 Economic Development Strategy.

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**2006 REVENUE SHARING DEADLINE EXTENSION**

Bonnie N. Mitchell, Assistant County Administrator, shared with the Board, staff has received a letter from VDOT’s Local Assistance Division that calls for locality applications for State Revenue Sharing Funds. The reason is that VDOT is delayed by four (4) bills in the General Assembly which may change the program to some extent.

VDOT-Richmond staff has explained that they are delayed in sending out the call for Revenue Sharing Applications from the localities, and, when they do send out the request to localities, they anticipate allowing 60 days for turnaround time, to get requests back to VDOT-Richmond. With that delay in mind, staff would like the Board’s guidance as to whether or not the local filing deadline should be extended.

We do not yet know when the letters will be sent. For instance, if VDOT-Richmond were to send the filing deadline letters by the end of February, the County would have until the end of April to respond. With an extended timeframe in mind, the Board might consider authorizing the County Administrator to extend the local deadline commensurate with or approximate to the filing deadline that will be established by VDOT-Richmond, allowing for staff review of applications and Board review and determination regarding the projects to include in the local application to VDOT-Richmond.

Staff would notify the three existing neighborhood applicants that the deadline will likely be extended, and ads would be put in the paper (see submitted example).

Last year when the State filing deadline was delayed, the Board also delayed the application deadline, and staff wanted to present that potential option to the Board this year.

**RECOMMENDATION:** It is recommended that the Board of Supervisors consider granting authority to the County Administrator to extend the Revenue Sharing local deadline to be commensurate with the deadline for funding applications which is set by VDOT-Richmond, and to advise the staff of its decision whether to extend the deadline and run advertisements to that effect.

**FRANKLIN COUNTY, VIRGINIA  
PUBLIC NOTICE  
OF EXTENDED VDOT REVENUE SHARING FUNDING DEADLINE**



The Franklin County Board of Supervisors has established an **extended deadline** of **2006 @ 5:00 P.M.**, for submission of applications under the VDOT Revenue Sharing Program to improve either public or private roads and bring them into the State Highway System. The County’s policy on use of these funds was established by the Board of Supervisors under Section 33.1-75.1 of the Code of Virginia. The Commonwealth Transportation Board allocates an annual share of State funds in this program to the localities participating in the program, including Franklin County, **subject to the availability of State funding.**

Under the Board’s policy, the projects for which applications may be made are prioritized using several factors which include: (1) Number of homes served; (2) Density of development; (3) Age of developments; (4) Unit cost of road; (5) School bus and mail service; (6) Existing development vs. future development potential; (7) Ranking of projects. In addition, applicants must file an application fee or bond in the amount of \$2,500 and are responsible for providing at least 50% of the construction costs in an escrow account acceptable to VDOT prior to the construction of an approved project. Last year’s project participants funded an estimated 63% of the road project costs.

All 2005 revenue sharing applications must be turned into Bonnie N. Mitchell by **2006 @ 5:00 P.M.** at 40 East Court Street, Rocky Mount, Virginia 24151. For more information contact Bonnie N. Mitchell, Asst. County Administrator, (540) 483-3030.

BY: \_\_\_\_\_  
Sharon K. Tudor, CMC, Clerk  
Franklin County Board of Supervisors

**FRANKLIN NEWS POST**  
**PLEASE RUN IN THE FOLLOWING FRIDAY EDITIONS:**

\_\_\_\_\_  
\_\_\_\_\_

**SMITH MOUNTAIN LAKE EAGLE**  
**PLEASE RUN IN THE FOLLOWING WEDNESDAY EDITIONS:**

\_\_\_\_\_  
\_\_\_\_\_

**UPDATE AGREEMENTS WITH FERRUM WATER & SEWAGE AUTHORITY**

Bonnie N. Mitchell, Assistant County Administrator, shared with the Board the Comprehensive Plan discusses the organizational structure developed by the County to deliver water and sewage services—including the establishment of the Ferrum Water and Sewage Authority, development of the Public Works Department, and inter-locality agreements where feasible. The Plan also highlights the coordination that exists between the Ferrum Authority and the County in service coordination and cooperation on projects and programs of mutual interest, in an effort to prevent duplication of effort and to share technical staff skills. The County and the Authority have developed three (3) agreements to share services. Two of the three are now due for re-authorization (revised drafts are submitted).

The Authority provides operator services for Phase I, for our park and Commerce Park wells, and general assistance on water and sewer issues as needed. It is time to renew the contracts-- and staff has noted that one of them is actually out of date, though services are continuing. The terms are for one (1) year. With the Board’s concurrence, we would extend the term to two (2) years (and revise these drafts), and make the contracts renewable annually thereafter, unless one or the other party gives six (6) months’ advance, written notice.

The Ferrum Authority may need to adjust the cost schedules submitted; however, we would ask that the County Administrator be authorized to approve any variation he deems advisable in the compensation to the Authority. The County has increased the hourly compensation for the Utilities Director to reflect the current compensation and overhead of that position (from \$45/hour in the original version to \$50/hour).

Staff is requesting that the County Administrator be authorized to re-negotiate these contracts, and when a satisfactory agreement is reached between the parties, to execute the agreements on behalf of the County and implement them.



**RECOMMENDATION:** It is recommended that the County Administrator be authorized to re-negotiate these contracts for operator services and exchange of services with the Ferrum Water and Sewage Authority, and when a satisfactory agreement is reached between the parties, to execute the agreements on behalf of the County and implement them.

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**(RESOLUTION #05-02-2006)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the consent agenda items as presented above with the exception of the General Reassessment RFP/Ad to be discussed later in the afternoon.

MOTION BY: David Hurt  
SECONDED BY: Hubert Quinn  
VOTING ON THE MOTION WAS AS FOLLOWS:  
AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

\*\*\*\*\*

**TREASURER'S MONTHLY REPORT**

**(RESOLUTION #06-02-2006)**

BE IT THEREFORE RESOLVED by the Board to approve the Treasurer's monthly report as submitted.

MOTION BY: Charles Poindexter  
SECONDED BY: Leland Mitchell  
VOTING ON THE MOTION WAS AS FOLLOWS:  
AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn, & Angell

\*\*\*\*\*

**REVIEW TIRE ENERGY PROPOSAL**

Bonnie N. Mitchell, Assistant County Administrator, shared with the staff received a request from Tire Energy Corporation (W. Larry McDorman, President) to bring the incinerated ash from the company's tire burning to the Franklin County landfill. The tire burning produces steam for the local manufacturers in the Martinsville Industrial Park. Tires from Franklin County are among the scrap tires burned, although we have not received an accounting which might be used toward our recycling quota. Two types of ash are produced—bottom ash and fly ash. The Bottom ash is largely the iron filings from the steel belts; the fly ash is an alkaline product which comes from cleaning the bags in the gas scrubber.

The company produced 2.5 tons/day of each product (5 tons/day). The bottom ash is collected in water. The fly ash is dusty. The ash is supposed to be non-toxic and non-hazardous.

The Martinsville landfill is where the company had been taking its ash, but the company reported that it must now take the ash to Danville for disposal by the company which has taken over the transfer station for Martinsville. The company reports this transport as an expensive, lengthy alternative, and would rather come to our facility, described as closer.

Staff has researched this request, as follows:

- County Code (Section 18-16) says that it is prohibited to place commercial and non-household solid waste from another locality in a county-owned container and/or the Franklin County Landfill without prior written approval by the Board of Supervisors.
- It appears that the ash would be about 20 tons every 4 days, and at our current rate (\$32/ton), this would be \$640/every 4 days. Staff estimates a load of 20 tons on average 1.75 times/week, or 35 tons/week (7 days)—this would yield \$1,120/week in fees. Over a year, the rates would be \$58,240.
- We take 1,120 tons/week so 35 additional tons/week is a 3% addition—about one roll-off twice a week roughly.
- To use the ash as cover, it would take a minor permit amendment, and it would only equal 1-plus load of dump truck dirt/week—and therefore is not a great addition to our cover.
- It may act as a filler material in the sense of filling holes in the packing of the landfill trash, but the wet ash would be difficult to work with and may increase the amount of leachate.
- The ash would take airspace.
- The company proposed taking our tires in exchange for our taking the ash; only certain tires are desired by the company—those that are clean and of a certain size. We cannot make a trade with the company because we have a contract for our tires already. Any change of that would need to be properly procured. At that time, all responses to the RFP are reviewed.



- The private landfill (First Piedmont) that is running the transfer station for Martinsville said that the ash can be taken to its landfill, at \$32/ton, and its distance is maybe 10 more miles than to our landfill; therefore this is likely an economic decision on the part of the company. It is a young company and likely attempting to cut costs where possible.
- People in the solid waste business in the Martinsville area say that if we open this door, we are likely to get requests from other ash generators.

*THE PROS:*

- New revenues
- Provides some filler material
- Non-hazardous, non-toxic

*THE CONS:*

- Takes airspace
- Wet ash hard to work with and adds to leachate
- Cannot use as cover material without getting a permit amendment
- Cannot trade services (our tires, company's ash) without a procurement process
- This issue should be solved within its own locality
- To say yes to one ash producer from another locality may yield requests from others

**RECOMMENDATION:** It is recommended that the Board of Supervisors deny the request of Tire Energy Corporation to bring its ash to the Franklin County landfill, as an out-of-county waste that will use airspace needed by our locality.

Larry McDorman, President of Energy Corporation, stated the deposit would be very dense. Mr. McDorman, stated the benefits was the amount of waste rubber going to landfills is reduced, fossil fuel consumption is reduced, and we are tapping into a fuel source that will otherwise be wasted. Mr. McDorman stated the commute back and forth is very costly to his company. Mr. McDorman advised the Board he would be willing to work out a discount for the County should they allow his company to deposit their ash in the County landfill. General discussion ensued.

The Board concurred with the staff's recommendation taking no action, thereby denying the request.

\*\*\*\*\*

**COMPREHENSIVE PLAN UPDATE**

Frank Fiori, Director of Planning and Community Development, gave the Board an update on the Comprehensive Plan Update as follows:

Background Studies



Franklin County  
*A Natural Setting for Opportunity*

- Population and Demographic Analysis – Complete
- Housing Analysis – Complete
- Comprehensive Housing Affordability – Complete
- Census Tract Analysis – Complete
- Natural Conditions – Complete



# Background Studies Cont.



- Community Facilities and Services – Final edits being completed
- Utilities – Final edits being completed
- Transportation – To be completed March 2006
- Economy – To be completed March 2006

# Participation



- Stakeholder Interviews
- Countywide Meetings
- Agency and Department Input
- Planning Commission Worksessions
- County Website
  - ❑ [http://www.franklincountyva.org/comp\\_plan.htm](http://www.franklincountyva.org/comp_plan.htm)

## Franklin County Comprehensive Plan

Please check back often for more information on the Comprehensive Plan for Franklin County!

[Upcoming Meetings/Work Sessions](#)

[Guiding Principles](#)

[Goals & Objectives](#)

[Goals, Objectives & Strategies for Public Works](#)

[Citizen Suggestions/Goals & Objectives](#)

[Draft Goals](#)

[Draft of Goals & Objectives for the Environment](#)  
[2005-2025 Comp Plan](#) [Draft of Goals & Objectives for the Transportation](#)  
[2005-2025 Comp Plan](#)

[Goals, Objectives & Strategies for Community Facilities](#)

[Goals, Objectives & Strategies for Economic Development](#)

[Goals, Objectives & Strategies for Housing](#)

[Goals, Objectives & Strategies for Cultural Resources](#)

[Maps](#)



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## Participation Cont.



- Countywide Meetings to Present Draft Plan
  - Planning Commission Public Hearing
  - Board of Supervisors Public Hearing
- 

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## Goals, Objectives, Strategies



- Components:
    - Environment
    - Transportation
    - Public Utilities
    - Community Facilities
    - Housing
    - Economic Development
    - Cultural Resources
    - Education
    - Land Use
- 

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## Goals, Objectives, Strategies



- Goals, Objectives and Strategies are complete for all components except Land Use
    - Planning Commission to develop a draft land use map and land use policies which will be presented as part of the draft plan.
-



# Next Steps



- Planning Commission to continue to meet twice monthly (worksessions in addition to their regular meeting)
- Future Land Use map and policies completed in March/April
- Completed background studies and components being assembled into draft plan
- Countywide meetings to present and receive comments on the draft plan in April/May

# Next Steps Cont.



- Planning Commission goal is to complete a draft plan in May
- Planning Commission goal is to present the draft plan to the Board of Supervisors in June

\*\*\*\*\*

**PUBLIC-PRIVATE EDUCATION FACILITIES & INFRASTRUCTURE ACT GUIDELINES**

Harwell M. “Sam” Darby, Attorney, briefed the Board on Public-Private Education Facilities & Infrastructure Act Guidelines as follows:

**Franklin County, Virginia**

**Public-Private Education Facilities and Infrastructure Act Guidelines**

**ADOPTED**

**\_\_\_\_\_, \_\_ 2006**

**Franklin County, Virginia**

**Public-Private Education Facilities and Infrastructure Act Guidelines**

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I. Introduction

The Board of Supervisors of Franklin County, Virginia has adopted these Guidelines to provide guidance for private entities seeking to have the County approve qualifying projects under the Virginia Public-Private Education Facilities and Infrastructure Act of 2002, Chapter 22.1 of Title 56 of the Code of Virginia, 1950, as amended, §§56-575.1, et seq (the “PPEA”).

The County in adopting these Guidelines and naming its PPEA officer charged with the responsibility of open communication with private entities seeking to have projects approved, states that its policy is to provide these Guidelines and PPEA Procedures at no cost to the County, and that the County is requiring private entities submitting unsolicited proposals to pay a proposal review fee and to be responsible for additional fees that the County might incur in engaging experts and other consultants to review and advise on the proposal (See II. C.); in providing public improvements to the citizens of Franklin County in the most economical and in a fair and equitable manner giving equal opportunity to all private entities who choose to submit proposals; and, in insuring the betterment of the lives of the citizens of Franklin County, Virginia.

II. General Provisions

A. Proposal Submission

A proposal may be either solicited by the County or delivered by a private entity on an unsolicited basis. Proposers will be required to follow a two-part proposal submission process consisting of an initial conceptual phase and a detailed phase. The initial phase of the proposal should contain specified information on proposer qualifications and experience, project characteristics, project financing, anticipated public support or opposition, or both, and project benefit and compatibility (See V.A.). The detailed proposal should contain specified deliverables (See V.B.).

The PPEA allows private entities to include innovative financing methods, including the imposition of user fees or service payments, in a proposal. Such financing arrangements may include the issuance of debt instruments, equity or other securities or obligations, including, if applicable, the portion of the tax-exempt private activity bond limitation amount to be allocated annually to the Commonwealth of Virginia pursuant to the Economic Growth and Tax Relief Reconciliation Act of 2001 for the development of education facilities, or other qualifying facilities such as “exempt facilities” under Internal Revenue Code §142, using public-private partnerships,



and to provide for carryovers of any unused limitation amount. The PPEA is a flexible development tool that allows the use of innovative financing techniques. Depending on the County's authority and the circumstances of each transaction, financing options might include the use of special purpose entities, sale and lease back transactions, enhanced use leasing, property exchanges, development agreements, conduit financing and other methods allowed by law.

Proposals should be prepared simply and economically, providing a concise description of the proposer's capabilities to complete the proposed qualifying project and the benefits to be derived from the project by the County. Project benefits to be considered are those occurring during the construction, renovation, expansion or improvement phase and during the life cycle of the project. Proposals also should include a scope of work and a financial plan for the project, containing enough detail to allow an analysis by the County of the financial feasibility of the proposed project. The County may establish criteria by which the proposer may provide clarification to the submission. The cost analysis of a proposal should not be linked solely to the financing plan as the County may determine to finance the project through other available means.

### **B. Affected Local Jurisdictions**

Any private entity requesting approval from or submitting a conceptual or detailed proposal to the County must provide each affected local jurisdiction with a copy of the private entity's request or proposal by certified mail, express delivery or hand delivery. Affected local jurisdictions that are not responsible public entities under the proposed qualifying project shall have 60 days from the receipt of the request or proposal to submit written comments to the County and to indicate whether the proposed qualifying project is compatible with the (i) local comprehensive plan, (ii) local infrastructure development plans, or (iii) capital improvements budget or other government spending plan. Comments received within the 60-day period shall be given consideration by the County, and no negative inference shall be drawn from the absence of comment by an affected local jurisdiction.

### **C. Proposal Review Fee**

The County shall receive an analysis of the proposal from appropriate<sup>1</sup> internal staff or outside advisors or consultants with relevant experience in determining whether to enter into an agreement with the private entity. No fee may be charged by the County to process, review or evaluate any proposal solicited by the County and submitted under the PPEA. The County charges a fee of \$10,000 to the private entity to cover the costs of processing, reviewing, and evaluating any unsolicited proposal or competing unsolicited proposal submitted under the PPEA, to cover the costs of outside attorneys, consultants, and financial advisors. The County has determined that such fee is reasonable in comparison to the level of expertise required to review the proposal and is not to be greater than the direct costs associated with evaluating the proposed qualifying project. "Direct costs" may include (i) the cost of staff time required to process, evaluate, review and respond to the proposal and (ii) the out-of-pocket costs of attorneys, consultants and financial advisors.

The proposal fee is intended to cover all of the initial review process. If the cost of reviewing the proposal exceeds the proposal fee, the County may assess the proposer the additional costs deemed necessary to evaluate the proposal.

For rejected proposals, the County will refund any portion of fees paid in excess of its direct costs associated with evaluating the proposal. If the cost of reviewing the proposal is less than the proposal fee, the County will refund to the proposer the excess fee. As noted in Section IV.A.1. below, fees will be refunded entirely if the County decides not to proceed to publication and conceptual-phase review of an unsolicited proposal.

### **D. Virginia Freedom of Information Act**

Generally, proposal documents submitted by private entities are subject to the Virginia Freedom of Information Act ("FOIA"). In accordance with § 2.2-3705 A 56 of FOIA, such documents are releasable if requested, except to the extent that they relate to (i) confidential proprietary information submitted to the County under a promise of confidentiality or (ii) memoranda, working papers or other records related to proposals if making public such records would adversely affect the financial interest of the public or private entity or the bargaining position of either party.



Subsection 56-575.4 G of the PPEA imposes an obligation on the County and any affected local jurisdiction to protect confidential proprietary information submitted by a private entity or operator. When the private entity requests that the County not disclose information, the private entity must (i) invoke the exclusion when the data or materials are submitted to the County or before such submission, (ii) identify the data and materials for which protection from disclosure is sought, and (iii) state why the exclusion from disclosure is necessary. A private entity may request and receive a determination from the County as to the anticipated scope of protection prior to submitting the proposal. The County is authorized and obligated to protect only confidential proprietary information, and thus will not protect any portion of a proposal from disclosure if the entire proposal has been designated confidential by the proposer without reasonably differentiating between the proprietary and non-proprietary information contained therein.

Upon receipt of a request that designated portions of a proposal be protected from disclosure as confidential and proprietary, the County shall determine whether such protection is appropriate under applicable law and, if appropriate, the scope of such appropriate protection, and shall communicate its determination to the proposer. If the determination regarding protection or the scope thereof differs from the proposer's request, then the County should accord the proposer a reasonable opportunity to clarify and justify its request. Upon a final determination by the County to accord less protection than requested by the proposer, the proposer should be accorded an opportunity to withdraw its proposal. A proposal so withdrawn should be treated in the same manner as a proposal not accepted for publication and conceptual-phase consideration as provided in section IV.A.1 below, except that the County may reimburse itself for actual costs incurred.

Once a comprehensive agreement has been entered into, and the process of bargaining of all phases or aspects of the comprehensive agreement is complete, a County shall make available, upon request, procurement records in accordance with Section 2.2-4342.

#### **E. Use of Public Funds**

Virginia constitutional and statutory requirements as they apply to appropriation and expenditure of public funds apply to any interim or comprehensive agreement entered into under the PPEA. Accordingly, the processes and procedural requirements associated with the expenditure or obligation of public funds shall be incorporated into planning for any PPEA project or projects.

#### **F. Applicability of Other Laws**

Nothing in the PPEA shall affect the duty of a County to comply with all other applicable law not in conflict with the PPEA. The applicability of the Virginia Public Procurement Act (the "VPPA") is as set forth in the PPEA.

#### **G. Individual Responsible to Receive Proposals and Respond to Inquiries**

The individual assigned the responsibility of receiving proposals under the PPEA and also to respond to inquiries as well as to hold informational meetings and to insure the fair treatment of all who submit proposal shall be:

[Name and contact information for PPEA Officer.]

### **III. Solicited Proposals**

The County may issue Requests for Proposals (RFPs), inviting proposals from private entities to develop or operate qualifying projects. The County is using a two-part proposal process consisting of an initial conceptual phase and a detailed phase. An RFP may invite proposers to submit proposals on individual projects identified by the County. In such a case the County will set forth in the RFP the format and supporting information that is required to be submitted, consistent with the provisions of the PPEA.

The RFP should specify, but not necessarily be limited to, information and documents that must accompany each proposal and the factors that will be used in evaluating the submitted proposals. The RFP should be posted in such public areas as are normally used for posting of



the County's notices, including the County's website. Notices will also be published in a newspaper or other publications of general circulation and advertised in *Virginia Business Opportunities* and posted on the Commonwealth's electronic procurement site. The RFP will contain or incorporate by reference other applicable terms and conditions, including any unique capabilities or qualifications that will be required of the private entities submitting proposals. Pre-proposal conferences will be held as deemed appropriate by the County.

#### **IV. Unsolicited Proposals**

The PPEA permits the County to receive, evaluate and select for negotiations unsolicited proposals from private entities to develop or operate a qualifying project.

The County may publicize its needs and may encourage interested parties to submit unsolicited proposals subject to the terms and conditions of the PPEA. When such proposals are received without issuance of an RFP, the proposal shall be treated as an unsolicited proposal.

##### **A. Decision to Accept and Consider Unsolicited Proposal; Notice**

1. Upon receipt of any unsolicited proposal or group of proposals and payment of the required proposal review fee by the proposer or proposers, the County should determine whether to accept the unsolicited proposal for publication and conceptual-phase consideration. If the County determines not to accept the proposal and proceed to publication and conceptual-phase consideration, it should return the proposal, together with all fees and accompanying documentation, to the proposer.

2. If the County chooses to accept an unsolicited proposal for conceptual-phase consideration, it shall post a notice in a public area regularly used by the County for posting of public notices for a period of not less than 45 days. The County will also publish the same notice for a period of not less than 45 days in one or more newspapers or periodicals of general circulation in the jurisdiction to notify any parties that may be interested in submitting competing unsolicited proposals. In addition, the notice will also be advertised in *Virginia Business Opportunities* and on the Commonwealth's electronic procurement website.<sup>2</sup> The notice shall state that the County (i) has received and accepted an unsolicited proposal under the PPEA, (ii) intends to evaluate the proposal, (iii) may negotiate an interim or comprehensive agreement with the proposer based on the proposal, and (iv) will accept for simultaneous consideration any competing proposals that comply with the procedures adopted by the County and the PPEA. The notice also shall summarize the proposed qualifying project or projects, and identify their proposed locations. Copies of unsolicited proposals shall be available upon request, subject to the provisions of FOIA and § 56-575.4 G of the PPEA. The County's PPEA officer is encouraged to answer questions from private entities that are contemplating submission of a competing unsolicited proposal.

##### **B. Initial Review by the County at the Conceptual Stage**

1. Only proposals complying with the requirements of the PPEA that contain sufficient information for a meaningful evaluation and that are provided in an appropriate format will be considered by the County for further review at the conceptual stage. Formatting suggestions for proposals at the conceptual stage are found at Section V.A.

2. The County will determine at this initial stage of review whether it will proceed using:

- a. Standard procurement procedures consistent with the VPPA; or
- b. Guidelines developed by the County that are consistent with procurement of other than professional services through "competitive negotiation" as the term is defined in § 2.2-4301 of the Code of Virginia. The County may proceed using such guidelines only if it makes a written determination that doing so is likely to be advantageous to the County and the public based upon either (i) the probable scope, complexity or priority<sup>3</sup> of need; (ii) the risk sharing including guaranteed cost or completion guarantees<sup>4</sup>, added value or debt or equity investments proposed by



the private entity<sup>5</sup>; or (iii) increase in funding, dedicated revenue or other economic benefit that would otherwise not be available.

3. After reviewing the original proposal and any competing proposals submitted during the notice period, the County may determine:

- (i) not to proceed further with any proposal,
- (ii) to proceed to the detailed phase of review with the original proposal,
- (iii) to proceed to the detailed phase with a competing proposal, or
- (iv) to proceed to the detailed phase with multiple proposals.

In the event that more than one proposal will be considered in the detailed phase of review, the County will consider whether the unsuccessful proposer should be reimbursed for costs incurred in the detailed phase of review, and such reasonable costs may be assessed to the successful proposer in the comprehensive agreement.

4. Discussions between the County and private entities about the need for infrastructure improvements shall not limit the ability of the County to later determine to use standard procurement procedures to meet its infrastructure needs. The County retains the right to reject any proposal at any time prior to the execution of an interim or comprehensive agreement.

## **V. Proposal Preparation and Submission**

### **A. Format for Submissions at Conceptual Stage**

A County requires that proposals at the conceptual stage contain information in the following areas: (i) qualifications and experience, (ii) project characteristics, (iii) project financing, (iv) anticipated public support or opposition, or both, (v) project benefit and compatibility and (vi) any additional information as the County may reasonably request to comply with the requirements of the PPEA. Suggestions for formatting information to be included in proposals at this stage include:

#### **1. Qualification and Experience**

- a. Identify the legal structure of the firm or consortium of firms making the proposal. Identify the organizational structure for the project, the management approach and how each partner and major subcontractor in the structure fits into the overall team.
- b. Describe the experience of the firm or consortium of firms making the proposal and the key principals involved in the proposed project including experience with projects of comparable size and complexity. Describe the length of time in business, business experience, public sector experience and other engagements of the firm or consortium of firms. Include the identity of any firms that will provide design, construction and completion guarantees and warranties and a description of such guarantees and warranties.
- c. Provide the names, addresses, and telephone numbers of persons within the firm or consortium of firms who may be contacted for further information.
- d. Provide a current or most recently audited financial statement of the firm or firms and each partner with an equity interest of twenty percent or greater.
- e. Identify any persons known to the proposer who would be obligated to disqualify themselves from participation in any transaction arising from or in connection to the project pursuant to The Virginia State and Local Government Conflict of Interest Act, Chapter 31 (§ 2.2-3100 et seq.) of Title 2.2.

#### **2. Project Characteristics**

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- a. Provide a description of the project, including the conceptual design. Describe the proposed project in sufficient detail so that type and intent of the project, the location, and the communities that may be affected are clearly identified.
- b. Identify and fully describe any work to be performed by the County.
- c. Include a list of all federal, state and local permits and approvals required for the project and a schedule for obtaining such permits and approvals.
- d. Identify any anticipated adverse social, economic and environmental impacts of the project. Specify the strategies or actions to mitigate known impacts of the project.
- e. Identify the projected positive social, economic and environmental impacts of the project.
- f. Identify the proposed schedule for the work on the project, including the estimated time for completion.
- g. Propose allocation of risk and liability for work completed beyond the agreement's completion date, and assurances for timely completion of the project.
- h. State assumptions related to ownership, legal liability, law enforcement and operation of the project and the existence of any restrictions on the County's use of the project.
- i. Provide information relative to phased or partial openings of the proposed project prior to completion of the entire work.

### 3. Project Financing

- a. Provide a preliminary estimate and estimating methodology of the cost of the work by phase, segment, or both.
- b. Submit a plan for the development, financing and operation of the project showing the anticipated schedule on which funds will be required. Describe the anticipated costs of and proposed sources and uses for such funds.
- c. Include a list and discussion of assumptions underlying all major elements of the plan.
- d. Identify the proposed risk factors and methods for dealing with these factors.
- e. Identify any local, state or federal resources that the proposer contemplates requesting for the project. Describe the total commitment, if any, expected from governmental sources and the timing of any anticipated commitment.
- f. Identify the amounts and the terms and conditions for any revenue sources.
- g. Identify any aspect of the project that could disqualify the project from obtaining tax-exempt financing.

### 4. Project Benefit and Compatibility

- a. Identify who will benefit from the project, how they will benefit and how the project will benefit the overall community, region, or state.
- b. Identify any anticipated public support or opposition, as well as any anticipated government support or opposition, for the project.
- c. Explain the strategy and plans that will be carried out to involve and inform the general public, business community, and governmental agencies in areas affected by the project.



- d. Describe the anticipated significant benefits to the community, region or state including anticipated benefits to the economic condition of the County and whether the project is critical to attracting or maintaining competitive industries and businesses to the County or the surrounding region
- e. Compatibility with the local comprehensive plan, local infrastructure development plans, the capital improvements budget or other government spending plan.

### **B. Format for Submissions at Detailed Stage**

If the County decides to proceed to the detailed phase of review with one or more proposals, the following information should be provided by the private entity unless waived by the County:

1. A topographical map (1:2,000 or other appropriate scale) depicting the location of the proposed project;
2. A list of public utility facilities, if any, that will be crossed by the qualifying project and a statement of the plans of the proposer to accommodate such crossings;
3. A statement and strategy setting out the plans for securing all necessary property;
4. A detailed listing of all firms that will provide specific design, construction and completion guarantees and warranties, and a brief description of such guarantees and warranties;
5. A total life-cycle cost specifying methodology and assumptions of the project or projects and the proposed project start date. Include anticipated commitment of all parties; equity, debt, and other financing mechanisms; and a schedule of project revenues and project costs. The life-cycle cost analysis should include, but not be limited to, a detailed analysis of the projected return, rate of return, or both, expected useful life of facility and estimated annual operating expenses.
6. A detailed discussion of assumptions about user fees or rates, and usage of the projects.
7. Identification of any known government support or opposition, or general public support or opposition for the project. Government or public support should be demonstrated through resolution of official bodies, minutes of meetings, letters, or other official communications.
8. Demonstration of consistency with appropriate local comprehensive or infrastructure development plans or indication of the steps required for acceptance into such plans.
9. Explanation of how the proposed project would impact local development plans of each affected local jurisdiction.
10. Identification of any known conflicts of interest or other disabilities that may impact the County's consideration of the proposal, including the identification of any persons known to the proposer who would be obligated to disqualify themselves from participation in any transaction arising from or in connection to the project pursuant to The Virginia State and Local Government Conflict of Interest Act, Chapter 31 (§ 2.2-3100 et seq.) of Title 2.2.
11. Additional material and information as the County may reasonably request.

## **VI. Proposal Evaluation and Selection Criteria**

The following items shall be considered in the evaluation and selection of PPEA proposals.

### **A. Qualifications and Experience**



Factors to be considered in either phase of the County's review to determine whether the proposer possesses the requisite qualifications and experience include:

1. Experience with similar projects;
2. Demonstration of ability to perform work;
3. Leadership structure;
4. Project manager's experience;
5. Management approach;
6. Financial condition; and
7. Project ownership.

#### **B. Project Characteristics**

Factors to be considered in determining the project characteristics include:

1. Project definition;
2. Proposed project schedule;
3. Operation of the project;
4. Technology; technical feasibility;
5. Conformity to laws, regulations, and standards;
6. Environmental impacts;
7. Condemnation impacts;
8. State and local permits; and
9. Maintenance of the project.

#### **C. Project Financing**

Factors to be considered in determining whether the proposed project financing allows adequate access to the necessary capital to finance the project include:

1. Cost and cost benefit to the County;
2. Financing and the impact on the debt or debt burden of the County;
3. Financial plan;
4. Estimated cost; and
5. Life-cycle cost analysis.

#### **D. Project Benefit and Compatibility**

Factors to be considered in determining the proposed project's compatibility with the appropriate local or regional comprehensive or development plans include:

1. Community benefits;
2. Community support or opposition, or both;
3. Public involvement strategy;



4. Compatibility with existing and planned facilities; and
5. Compatibility with local, regional, and state economic development efforts.

#### **E. Other Factors.**

Other factors that may be considered by a County in the evaluation and selection of PPEA proposals include:

1. The proposed cost of the qualifying project;
2. The general reputation, industry experience, and financial capacity of the private entity;
3. The proposed design of the qualifying project;
4. The eligibility of the project for accelerated documentation, review, and selection;
5. Local citizen and government comments;
6. Benefits to the public;
7. The private entity's compliance with a minority business enterprise participation plan or good faith effort to comply with the goals of such plan;
8. The private entity's plans to employ local contractors and residents; and
9. Other criteria that the County deems appropriate

### **VII. Interim and Comprehensive Agreements**

Prior to developing or operating the qualifying project, the selected private entity shall enter into a comprehensive agreement with the County. Prior to entering a comprehensive agreement an interim agreement may be entered into that permits a private entity to perform compensable activities related to the project.<sup>6</sup> The County may designate a working group to be responsible for negotiating any interim or comprehensive agreement. Any interim or comprehensive agreement shall define the rights and obligations of the County and the selected proposer with regard to the project.

#### **A. Interim Agreement Terms**

The scope of an interim agreement may include but not limited to:

1. Project planning and development;
2. Design and engineering;
3. Environmental analysis and mitigation;
4. Survey;
5. Ascertaining the availability of financing for the proposed facility through financial and revenue analysis;
6. Establish a process and timing of the negotiation of the comprehensive agreement; and
7. Any other provisions related to any aspect of the development or operation of a qualifying project that the parties may deem appropriate prior to the execution of a comprehensive agreement.

#### **B. Comprehensive Agreement Terms**

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The scope of the comprehensive agreement shall include but not be limited to:

1. The delivery of maintenance, performance and payment bonds or letters of credit in connection with any acquisition, design, construction, improvement, renovation, expansion, equipping, maintenance, or operation of the qualifying project;
2. The review of plans and specifications for the qualifying project by the County;
3. The rights of the County to inspect the qualifying project to ensure compliance with the comprehensive agreement;
4. The maintenance of a policy or policies of liability insurance or self-insurance reasonably sufficient to insure coverage of the project and the tort liability to the public and employees and to enable the continued operation of the qualifying project;
5. The monitoring of the practices of the private entity by the County to ensure proper maintenance;
6. The terms under which the private entity will reimburse the County for services provided;
7. The policy and procedures that will govern the rights and responsibilities of the County and the private entity in the event that the comprehensive agreement is terminated or there is a material default by the private entity including the conditions governing assumption of the duties and responsibilities of the private entity by the County and the transfer or purchase of property or other interests of the private entity by the County;
8. The terms under which the private entity will file appropriate financial statements on a periodic basis.
9. The mechanism by which user fees, lease payments, or service payments, if any, may be established from time to time upon agreement of the parties. Any payments or fees shall be set at a level that are the same for persons using the facility under like conditions and that will not materially discourage use for the qualifying project;
  - a. A copy of any service contract shall be filed with the County;
  - b. A schedule of the current user fees or lease payments shall be made available by the private entity to any member of the public upon request;
  - c. Classifications according to reasonable categories for assessment of user fees may be made;
10. The terms and conditions under which the County may contribute financial resources, if any, for the qualifying project;
11. The terms and conditions under which existing site conditions will be assessed and addressed, including identification of the responsible party for conducting the assessment and taking necessary remedial action; and
12. Other requirements of the PPEA.

Any changes in the terms of the interim or comprehensive agreement as may be agreed upon by the parties from time to time shall be added to the interim or comprehensive agreement by written amendment.

The comprehensive agreement may provide for the development or operation of phases or segments of a qualifying project.

Sam Darby, Attorney, reviewed the aforementioned guidelines and answered questions.



Mr. Darby stated the adoption of the plan would look good on the County's web site as a progressive locality. Staff will follow up with Mr. Darby on the various questions / concerns and bring additional information back to the Board.

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## **OTHER MATTERS BY SUPERVISORS**

### ***Russ Johnson, Gills Creek District Supervisor***

- *Excess Vehicles, Equipment, Trailers, etc. on Properties* – Mr. Johnson shared with the Board slides of numerous vehicles, equipment on a piece of property at St. Rt. 616/Strawberry Banks. And St. Rt. 616 Surber Road. Mr. Johnson felt the residents look to the Board for protection regarding the Zoning Ordinance. Mr. Johnson stated he would like for staff to take a look at these and would like for the Board to concur. The Board stated they would like to study it a little further and address at a later date. The Board concurred for staff to look at the request and report back to the Board with the understanding given the existing workload of current Planning Department projects, such request would be worked in as staff can address.
- *Governor's Transportation Meeting* – March he is scheduled to come to Roanoke and would like for the Board to write a letter of invitation requesting the Governor to stop in Franklin County.

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### ***David Hurt, Boone District Supervisor***

- *Clements Mill Bridge* - Not presently on the 6 Year Plan. The owner of the Mill is presently working with the bridge replacement of 3 years. The owner is currently seeking historical register accreditation for the bridge. Mel Quesenberry stated he would compile additional data and report back to the Board during March meeting. Mr. Hurt requested the Board to consider front monies with State reimbursement and consider more details during the March meeting.
- *Animal Control* – Mr. Hurt stated he supports the current proposal by the local Humane Society to operate the County's Animal shelter and requested Mr. Huff to develop a draft request for proposals and discuss with the Board at a later date. General discussion ensued. Staff was directed to explore all animal shelter management options. The Finance Department would work with the Humane Society and Public Safety to finalize operational budgetary numbers and explore other program areas, such as shelter roles / responsibilities, expectations, outcomes, etc. A detailed report of animal shelter options addressing this topic was requested by the Chairman for a future Board meeting, such as an upcoming budget work session to explore the options available.

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### ***Leland Mitchell, Snow Creek District Supervisor***

- *General Aviation Airport* –: Mr. Mitchell stated he believes everything in the Sontag – Patti community holds dear. These citizens' desire is to remain as they are now. Mr. Mitchell stated an informational meeting was held at the Gereau Center (CATCE) on February 8<sup>th</sup> during which additional public comments were received regarding the proposal general aviation airport site. General discussion ensued. Mr. Mitchell made the following motion:

#### **(RESOLUTION #07-02-2006)**

BE IT THEREFORE RESOLVED by the Board to no longer consider the Patti site, for a general aviation airport due to the objections of the landowners and the residents of the Sontag community.

MOTION BY: Leland Mitchell  
 SECONDED BY: Hubert Quinn  
 VOTING ON THE MOTION WAS AS FOLLOWS:

#### **AMENDMENT TO ORGINAL MOTION:**

BE IT THEREFORE RESOLVED, by the Board to withdraw the current Patti site for general aviation airport and to go forth with additional proposed sites and seek a site from the majority of the property owners which would be willing sellers.

MOTION BY: Leland Mitchell  
 SECONDED BY: Hubert Quinn

#### **AMENDMENT TO AMENDED MOTION:**

BE IT THEREFORE RESOLVED, as of this time the Board has decided to remove consideration of a general aviation airport in Franklin County.

MOTION BY; Russ Johnson  
 SECONDED BY: David Hurt  
 VOTING ON THE MOTION WAS AS FOLLOWS:  
 AYES: Mitchell, Hurt, Poindexter & Johnson  
 NAYS: Wagner, Quinn & Angell

**THE MOTION PASSED WITH A 4-3 VOTE.**



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**ACCESS MANAGEMENT**

David Hurt, Boone District Supervisor, stated he would like for the County with the assistance of one of the Planning District Commissions, to apply for for grant funding through the Virginia Rural Transportation Planning Program in an effort to support the development of an access management highway & land development guide. More specifically, the project would seek to conduct a study that will provide a guidance planning document on access management measures that can be integrated into the County's land use regulations such as the County's Zoning and Subdivision Ordinances. The project would seek specific land development access management recommendations to preserve and enhance the safety and mobility of U.S. Highway 220. General discussion ensued. Board members expressed this project should not duplicate any previous or current transportation programs or studies for U.S. Highway 220 or Interstate 73. Furthermore, land development guidelines should also be addressed for the County's other high volume roadways (i.e. State Route 40, State Route 122, and Route 116). Mr. Mike Gray, VDOT, Salem District Office, stated there were limited funds for Access Management Study Grants and confirmed a 20% local grant match requirement. General discussion ensued. The Board concurred with the current need to study land development access management principals along U.S. 220 and the County's other high volume roadways (i.e. State Route 40, State Route 122, and Route 116) in conjunction with the current updating of the Comprehensive Plan.

**(RESOLUTION #08-02-2006)**

BE IT THEREFORE RESOLVED by the Board to request Roanoke Valley-Alleghany Regional Commission and / or the West Piedmont Planning District Commission to apply for a Virginia Rural Transportation Planning Program grant in an effort to support the development of an access management highway & land development guide that will study and recommend land development access management principals along U.S. 220 and the County's other high volume roadways (i.e. State Route 40, State Route 122, and Route 116)

MOTION BY: David Hurt  
SECONDED BY: Russ Johnson  
VOTING ON THE MOTION WAS AS FOLLOWS:  
AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

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**GENERAL REASSESSMENT RFP**

During the 2002 budget negotiations, consensus was reached that all real estate located in Franklin County should be reassessed every four years instead of every five years. In order to meet the December 29<sup>th</sup>, 2007, deadline for the creation of the Reassessment Book, fieldwork needs to begin July 5<sup>th</sup>, 2006.

A draft of the general reassessment request for proposal and ad are submitted for your review. Also included as part of the draft request for proposal is a schedule (front page) showing dates and the necessary tasks that must be accomplished by those dates in order to complete the entire reassessment process by February 20<sup>th</sup>, 2008. The following breakdown of funding has been budgeted/carried over:

FISCAL YEAR	AMOUNT	TOTAL BUDGET
2005-2006 Current Balance		\$250,000
2006-2007 Additional Requested	\$125,000	\$375,000
2007-2008 Additional Requested	\$125,000	\$500,000

The total cost of the reassessment is estimated to be \$450,000-500,000.

**RECOMMENDATION:**

Staff respectfully requests authorization to advertise and solicit proposals for the general reassessment of all real estate located in Franklin County. Staff intends to present the reassessment proposals at the June 20<sup>th</sup>, 2006, Board of Supervisor's meeting in order for the Board to award the reassessment contract.

Mr. Johnson inquired as to the possibility to hire the County's own Assessor. This topic will be discussed during upcoming budget deliberations.

**(RESOLUTION #09-02-2006)**

BE IT THEREFORE RESOLVED by the Board to approve staff's recommendation as submitted.

MOTION BY: Charles Wagner  
SECONDED BY: Leland Mitchell  
VOTING ON THE MOTION WAS AS FOLLOWS:  
AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

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**CLOSED MEETING**

**(RESOLUTION #10-02-2006)**



BE IT THEREFORE RESOLVED, by the Board of Supervisors to into a closed meeting in accordance with 2.2-3711, a-3, Acquisition of Land, a-7, Consult with Legal Counsel, and a-30, Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body of the Code of Virginia, as amended.

MOTION BY: Charles Wagner

SECONDED BY: Leland Mitchell

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

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MOTION: Charles Wagner

**RESOLUTION: #11-02-2006**

SECOND: Leland Mitchell

MEETING DATE February 21<sup>st</sup>, 2006

WHEREAS, the Franklin County Board of Supervisors has convened an closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act: and

WHEREAS, Section 2.2-3712(d) of the Code of Virginia requires a certification by this Franklin County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED, that the Franklin County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Franklin County Board of Supervisors.

VOTE:

AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn, & Angell

NAYS: NONE

ABSENT DURING VOTE: NONE

ABSENT DURING MEETING: NONE

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Chairman Wayne Angell recessed the meeting for the previously advertised public hearings as follows:

**PETITION of OPTIMA PROPERTIES, SMITH MOUNTAIN LAKE, LLC**, a North Carolina Limited Liability Company, as Petitioner and Owner, requesting to Rezone approximately 79.409 acres above the 800 foot contour of Smith Mountain Lake; 66.796 acres from A-1, Agricultural District and 12.613 acres from R-1, Residential Suburban District, to RPD, Residential Planned Unit Development District, for the purpose of a mixture of single-family and multi-family residential dwellings to be known as The Coves at Smith Mountain Lake. The future land use map of the adopted Comprehensive Plan designates this area as Low Density Residential which allows for gross densities of one to two dwelling units per acre. The property is located at the intersection of Route 988, Route 938, Rock Cliff Road and Route 1440, Ivy Lane, in the Union Hall Magisterial District of Franklin County and is identified on Franklin County Real Estate Tax Records as Tax Map # 52, Parcel #'s 2; 2.1; 2.2; 2.3; and Tax Map # 52, Parcel # 4.1.

Clyde Perdue, Attorney, presented the rezone and special use permits for Optima Properties.  
Dan Early, Design Company

**THE FOLLOWING PEOPLE SPOKE IN FAVOR OF THE PROPOSED PROJECT:**

Jerry Thomas urged the Board to support the project.

Bill Brush on behalf of the Smith Mountain Lake Association, thereby noting the SMLA's review and endorsement.

Charles Jordan expressed concern over a couple of the lot sizes. Mr. Jordan felt seeking an additional proffer regarding a dumpster site so the buyer would not have questions regarding disposal after purchasing the property.

**(RESOLUTION #12-02-2006)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the rezone for OPTIMA Properties petition with the following proffers in accordance with § 15.2-2283. Purpose of zoning ordinances. Zoning ordinances shall be for the general purpose of promoting the health, safety or general welfare of the public and of further accomplishing the objectives of § 15.2-220 with the following proffers and deviations.

1. The property shall be developed in substantial conformance with the Letter of Application and Concept Plan for The Coves at Smith Mountain Lake, dated December 10, 2005, revised January 10, 2006, prepared by Optima Properties, Smith Mountain Lake, LLC,



and others; provided the petitioner reserves the right to connect to an existing public water utility and, thus, not develop the proposed public water facility.

2. Short term rentals shall be prohibited in all residential units.
3. The areas designated on the Concept Plan as undeveloped areas shall be subject to future utility crossings (including primary and reserve septic field/drainfield locations) walking trails, bike/jogging/cart trails and other passive recreational uses.
4. All commercial uses permitted in the RPD district shall be prohibited.
5. Low impact development techniques such as, but not limited to mini bio-retention ponds, rain barrels, pervious berms, and pervious swales shall be designed to provide adequate storage and infiltration for a run off volume equal to ½ inch on all single-family and multi-family dwellings. These facilities may be provided individually on each site or combined at any other appropriate location.
6. The proposed twenty-foot shoreline buffer area adjacent to Smith Mountain Lake shall be subject to selective clearing for views as shown on the attached "Landscape and Architectural Design Objectives".
7. A property owners association shall be responsible for the operation and maintenance of the private roads, water system, solid waste management facility, open space, and the developed amenities. The association shall have the right to transfer these responsibilities to an appropriate responsible entity.
8. All proposed utilities shall be underground.

Deviations:

1. Section 25-298 (b) – Deviation to reduce the side setback from the ten (10) to twelve (12) feet range to zero (0) feet to allow the duplexes to share a common wall property line.
2. Section 25-224 (a) (2) (a) – Deviation of nineteen (19) feet to reduce the minimum road frontage from seventy-five (75) to fifty-six (56) feet.

MOTION BY: Charles Poindexter

SECONDED BY: Russ Johnson

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

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**PETITION of OPTIMA PROPERTIES, SMITH MOUNTAIN LAKE, LLC**, a North Carolina Limited Liability Company, as Petitioner and Owner, requesting a Special Use Permit for a +/-8.250 acre parcel of land, a portion of 12.613 acres currently zoned R-1, Residential Suburban Subdivision, and a portion of 66.796 acres currently zoned A-1, Agricultural District, for the purpose of Utilities; Water and Sewer Plant for treatment with appurtenant distribution system, concurrent with a rezone request of approximately 79.409 acres to RPD, Residential Planned Unit Development District. The future land use map of the adopted Comprehensive Plan for Franklin County designates this area Low Density Residential which allows for gross densities of one to two dwelling units per acre. The property is located at the intersection of Route 988, Route 938, Rock Cliff Road and Route 1440, Ivy Lane, in the Union Hall Magisterial District of Franklin County and is identified on Franklin County Real Estate Tax Records as Tax Map # 52, Parcel #'s 2; 2.1; 2.2; 2.3; and Tax Map # 52, Parcel # 4.1.

**(RESOLUTION #13-02-2006)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the special use permit for uses as provided in this chapter may be issued upon a finding by the Franklin County Board of Supervisors that such use will not be of substantial detriment to adjacent property, that the character of the zoning district will not be changed thereby, and that such use will be in harmony with the purpose and intent of this chapter, with the uses permitted by right in the zoning district, with additional regulations provided in sections 25-111 through 25-137, supplementary regulations, and amendments, of this chapter, and meet the regulations of Section 25-638 of the County Code with the public health, safety and general welfare with the following conditions:

1. A primary and 50% reserve area capable of providing an approved method of sewage disposal for the proposed use must be dedicated and approved by VDH prior to any approvals granted by the Departments of Planning and Community Development or Building Inspections for the subject property.
2. All lots will be served by public water and sewer systems designed to comply with all state and county ordinances.
3. Effluent from any future wastewater treatment facility shall be disinfected by ultra-violet light prior to sub-surface disposal.
4. Any future wastewater treatment facility shall provide adequate treatment to reduce the effluent strength to the following maximum contaminant levels:

Biochemical Oxygen Demand (BOD)	30 mg/l
Total Suspended Solids (TSS)	30 mg/l



Total Nitrogen

5 mg/l

- 5. Design of any future wastewater facility shall comply with the current VDH and DEQ Sewage Treatment and Collection Regulations and Onsite Sewage Handling and Disposal Regulations and any related interpretations and guidance memorandum policies.
- 6. Documentation of all soils information and drainfield sizing shall be provided for review which will include calculations for groundwater mounding and nitrate loading. Documentation shall also include information to validate any assumptions made in the calculation such as depth to any restrictive layers below installation depth.
- 7. Any areas designated on the site plan as drainfield reserve shall not be disturbed and shall remain in its current condition, except as to provide for walking trails or other passive recreational uses and/or the planting of flowers, gardens, etc.
- 8. The applicant shall connect to the county sewage treatment system should it become available.
- 9. The applicant shall connect to the County water system in accordance with the regulations of Chapter 22 should the same become available.
- 10. The mass drainfield shall only serve sewage generated from the development proposed on tax parcels 52-2, 52-2.1, 52-2.2, 52-2.3, and 52-4.1.
- 11. The applicant shall provide an operations plan for the treatment facility and drainfield to include establishment of escrow for the maintenance and operation and capitol replacement of equipment, and shall appoint a trustee who shall be responsible for the administration of the plan, or transfer ownership to a licensed operator approved by the State of Virginia.
- 12. Wells to monitor ground water quality shall be installed under the auspices of the Virginia Department of Health if required by Virginia Department of Health.

MOTION BY: Charles Poindexter

SECONDED BY: Charles Wagner

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

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**PETITION of OPTIMA PROPERTIES, SMITH MOUNTAIN LAKE, LLC**, a North Carolina Limited Liability Company, as Petitioner and Owner, requesting a Special Use Permit for a +/-9.38 acre parcel of land, a portion of a total of 79.409 acres currently zoned R-1, Residential Suburban Subdivision and A-1, Agricultural District, for the purpose of Private Roads, concurrent with a rezone request of approximately 79.409 acres to RPD, Residential Planned Unit Development District. The future land use map of the adopted Comprehensive Plan for Franklin County designates this area Low Density Residential which allows for gross densities of one to two dwelling units per acre. The property is located at the intersection of Route 988, Route 938, Rock Cliff Road and Route 1440, Ivy Lane, in the Union Hall Magisterial District of Franklin County and is identified on Franklin County Real Estate Tax Records as Tax Map # 52, Parcel #'s 2; 2.1; 2.2; 2.3; and Tax Map # 52, Parcel # 4.1.

**(RESOLUTION #14-02-2006)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the special use permit for uses as provided in this chapter may be issued upon a finding by the Franklin County Board of Supervisors that such use will not be of substantial detriment to adjacent property, that the character of the zoning district will not be changed thereby, and that such use will be in harmony with the purpose and intent of this chapter, with the uses permitted by right in the zoning district, with additional regulations provided in sections 25-111 through 25-137, supplementary regulations, and amendments, of this chapter, meet the regulations of Section 25-638 of the County Code with the public health, safety and general welfare with the following conditions:

- 1. The property shall be developed in substantial conformance with the Concept Plan for Optima Properties, Smith Mountain Lake, LLC, dated December 10, 2005, revised January 10, 2006, prepared by ACS Design and others; provided the petitioner reserves that right to connect to an existing public water utility and, thus, not develop the proposed public water facility.
- 2. The proposed private road shall meet the minimum grade and pavement design requirements specified in Virginia Department of Transportation regulations with a maximum pavement width not to exceed 22 feet.
- 3. The maintenance of the private road shall be provided by an approved Property Owner's Association. The developer shall record a document in the land records of the Clerk of the Circuit Court prior to issuance of any grading and site plan approvals obligating the lot owners to pay for upkeep and maintenance of the private roads on a pro-rata basis or other basis as determined by the developer.
- 4. No Certificate of Occupancy shall be issued prior to an initial coat of surface treatment being placed on the private road. The final surface coat shall be placed prior to the



issuance of a Certificate of Occupancy for the last dwelling to be served by the private road.

5. Surety shall be posted with Franklin County for the construction of the private road and shall not be released until the County has received a certification from an individual licensed by the Commonwealth of Virginia to provide such service stating that the construction of the road meets grade and pavement construction requirements with VDOT Subdivision Street Requirements.
6. In addition to compliance with Franklin County erosion and sediment control measures, single family lot owners in The Coves at Smith Mountain Lake will be required to submit an erosion and sediment control plan, prepared by a licensed individual, to the Architectural Review Board and to Franklin County as part of any Erosion and Sediment permit prior to any clearing or beginning construction on an individual home site. Prior to the start of construction of any home such plan shall include design and computation for the low impact development practices and shall show that it will capture and stop the first ½ inch of rainfall and include a deeded maintenance agreement for such low impact development practices. It shall be the responsibility of the lot owner to ensure that proposed erosion control methods are adequate and maintained until site stabilization has been achieved. If the lot owner is not in compliance with the plan then the lot owner will receive a written notice of corrective action and may be fined up to \$150.00, per day, until a no further action letter is issued by the Architectural Review Board.

MOTION BY: Charles Poindexter

SECONDED BY: Charles Wagner

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

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**PETITION of OPTIMA PROPERTIES, SMITH MOUNTAIN LAKE, LLC**, a North Carolina Limited Liability Company, as Petitioner and Owner, requesting a Special Use Permit for a +/-1.00 acre parcel of land, a portion of a total of 50.668 acres currently zoned A-1, Agricultural District and R-1, Residential Suburban Subdivision, for the purpose of a Storage Facility, concurrent with a rezone request of approximately 79.409 acres to RPD, Residential Planned Unit Development District. The future land use map of the adopted Comprehensive Plan for Franklin County designates this area Low Density Residential which allows for gross densities of one to two dwelling units per acre. The property is located at the intersection of Route 988, Route 938, Rock Cliff Road and Route 1440, Ivy Lane, in the Union Hall Magisterial District of Franklin County and is identified on Franklin County Real Estate Tax Records as a portion of Tax Map # 52, Parcel # 2.

**(RESOLUTION #15-02-2006)**

BE IT THEREFORE RESOLVED by the Board to approve the special use permit for uses as provided in this chapter may be issued upon a finding by the Franklin County Board of Supervisors that such use will not be of substantial detriment to adjacent property, that the character of the zoning district will not be changed thereby, and that such use will be in harmony with the purpose and intent of this chapter, with the uses permitted by right in the zoning district, with additional regulations provided in sections 25-111 through 25-137, supplementary regulations, and amendments, of this chapter, and meet the regulations of Section 25-638 of the County Code with the public health, safety and general welfare with the following conditions:

1. The use shall be limited to residents of "The Coves at Smith Mountain Lake" as shown on the Concept Plan by ACS Design, and dated December 10, 2005, revised January 10, 2006.
2. Recreational vehicles, watercraft and associated trailers stored on the property shall have current licenses and/or registrations identified on such recreational vehicles, watercraft and trailers.
3. If future lighting is provided for the storage facility area, the applicant or successors shall provide a lighting plan for approval by the Planning Department. The lighting plan shall incorporate shielded fixtures directed downward so as not to project greater than 0.5 foot candles above background levels as measured at the boundaries of the proposed use area. No portion of bulbs of said lighting shall be visible from the boundaries of the use area.
4. The applicant shall submit a landscape plan with the site plan. Landscaping shall provide a year round buffer of the storage area from all adjacent properties to include the proposed subdivision. Any required planted buffer shall be a minimum of six (6) feet in height at the time of planting, and shall consist of two (2) rows, staggered on ten (10) feet centers.
5. Except for emergency repair, there shall be no maintenance or repair activity within the storage yard/open space area.
6. Minimum surface treatment shall be gravel.



7. A six (6) foot high security fence shall be installed. Stainless steel finish is prohibited.
8. A controlled access gate shall be installed to restrict access to the storage area.
9. Signage shall be limited to liability, security, and "No Trespassing" signs.

MOTION BY: Russ Johnson

SECONDED BY: Charles Poindexter

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

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**PETITION** of the Franklin County Board of Supervisors to amend Chapter 25 of the Franklin County Zoning Ordinance, Article II, Division 4.1, Sign Regulations, to add specific regulations to the sign ordinance for churches, fraternal and civic organizations.

25.156.14.1.1 Churches, Fraternal and Civic Organizations

AN ORDINANCE TO AMEND AND REENACT THE FRANKLIN COUNTY CODE IN SECTION 25-156, SIGN REGULATIONS BY ADDING SECTION 25-156.14, CHURCHES, FRATERNAL AND CIVIC ORGANIZATIONS OF THE ZONING ORDINANCE

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF FRANKLIN COUNTY that the County Code be, and it is hereby, amended and reenacted, in Section 25-156 as follows:

25.156.14 Churches, Fraternal and Civic Organizations

The following shall apply to churches, fraternal and civic organizations located within zoned areas of the County and those corridors as defined in Section 25.483 including the portion of those corridors within the non-zoned area of the county.

- a) No more than one freestanding monument type sign per lot not to exceed 32 square feet in area with a maximum height of 8 feet for any lot fronting on a two lane secondary road.
- b) No more than one freestanding monument type sign per lot not to exceed 48 square feet in area with a maximum height of 8 feet for any lot fronting on a two lane primary road or highway.
- c) No more than one freestanding monument type sign per lot not to exceed 60 square feet in area with a maximum height of 10 feet for any lot fronting on a four lane divided highway.
- d) Building mounted signage not to exceed 32 square feet in the aggregate.
- e) The combined square footage of the base, supporting structure and decorative elements of a freestanding monument type sign shall not exceed a ratio of 3:1 in relation to the size of the copy area of the sign. (i.e. The base, supporting structure and decorative elements of sign with a copy area of 32 square feet shall not exceed 96 square feet).
- f) Any church, fraternal or civic organization with 300 or more feet of total road frontage and where the proposed sign is setback 35 feet or more from the front property line shall be able to increase the size of the freestanding monument sign including sign face and base by 25 percent.
- g) Any decorative entrance wall on which a sign is mounted shall be excluded from the 3:1 ratio in subsection (e). Such decorative entrance wall shall be considered the freestanding monument sign for the property and any attached sign face shall meet the size requirements above.

Charles Jordan, Boone District, stated that a problem he had with the amendment to the sign ordinance was if an owner of a business had an empty business space. The business space had two 100 square feet freestanding signs on the property. A church or non-profit organization wanted to rent the space and use both of the sign faces. Because of the new amendment the organization or church would be limited to a certain signage amount that was smaller than what was on the premises. The business space may not be leased because of the sign issue. He stated that the business space could stay vacant for this reason. Mr. Jordan wanted to know if this had been considered when drafting the amendment to the sign ordinance for churches, fraternal and civic organizations.

**(RESOLUTION #16-02-2006)**



BE IT THEREFORE RESOLVED by the Board to approve the Zoning Ordinance amendment(s) as advertised and submitted for Board review in accordance with § 15.2-2283. Purpose of zoning ordinances.

MOTION BY: Russ Johnson  
SECONDED BY: Charles Wagner  
VOTING ON THE MOTION WAS AS FOLLOWS:  
AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

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**PETITION** of the Franklin County Board of Supervisors to amend Section 25-40, Definitions, of the Franklin County Zoning Ordinance, Public Utilities and Public Sewage Systems, and Section 25-493 of the Westlake Overlay District for Permitted Uses.

AN ORDINANCE TO AMEND AND REENACT THE FRANKLIN COUNTY CODE IN SECTION 25.40, PRINCIPLE DEFINITIONS, AND SECTION 25.493, PERMITTED USES, IN THE WESTLAKE VILLAGE CENTER OVERLAY DISTRICT, OF THE ZONING ORDINANCE

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF FRANKLIN COUNTY THAT THE COUNTY CODE BE, AND IT IS HEREBY, AMENDED AND REENACTED, IN SECTIONS 25.40 AND 25.493 AS FOLLOWS:

ARTICLE I. GENERAL PROVISIONS

DIVISION 3. DEFINITIONS

Sec. 25-40. Principal definitions of the Zoning Ordinance.

*Public sewerage system.* Any sewerage system, either on-site or off-site, that serves three (3) or more structures, dwellings, or equivalent residential connections (ERC's). Such systems having a treatment capacity of 1,200 gallons per day or more of sewage effluent shall require a Special Use Permit in accordance with the provisions of this chapter. Such sewerage systems may be owned or operated by Franklin County, any incorporated place within Franklin County, a state-chartered authority, private utility, sanitary district, or any other present or future body having authority under State Code to provide sewer service to multiple users or the general public. These systems may result in a point discharge as approved by the Virginia Department of Environmental Quality, or they may result in a discharge into a drainfield area as approved by the Virginia Department of Health. Public sewerage systems shall meet all the standards and requirements of Franklin County Code Chapter 22.

*Public utilities.* Publicly or privately owned public service structures such as power plant substations; water lines, water tanks, on-site or off-site water treatment plants or pumping stations; on-site or off-site sewage disposal systems, pumping stations, treatment plants, and public sewerage systems having either a point discharge or discharging into a drainfield as approved by the Virginia Department of Health or the Virginia Department of Environmental Quality, and meeting all State, Federal and local codes and regulations; or such similar operations, furnishing electricity, gas, rail transport, communication or related services to the general public or the public within a defined service area. Publicly or privately owned off-site water tanks, water treatment plants, water pumping stations; power plant substations; on-site or off-site sewage disposal systems or sewage treatment plants having a treatment capacity of 1,200 gallons per day or more of sewage effluent, and having either a point discharge or discharge into a drainfield; or other public utilities furnishing electricity, gas, rail transport, communication or related services to the general public or the public within a defined service area shall be approved by special use permit in designated zoned areas of Franklin County.

*On-site sewerage system.* A sewerage system designed not to result in a point-source discharge, including individual septic tanks used by the main dwelling or structure on an individual lot, or a sewage treatment plant approved by the health department and meeting all requirements and standards of Franklin County Code Chapter 22.

Two (2) different subcategories of system specifically recognized:

(a) Individual On-Site Sewerage System: A wastewater treatment system included on an individual lot or parcel on which the health department has approved an individual septic tank or other wastewater treatment system to serve a structure, a single-family dwelling or duplex dwelling along with a septic system drainfield to serve a structure, a single-family dwelling or duplex dwelling.



(b) Mass Drainfield On-Site Sewerage System: A wastewater treatment system on a lot or common area or parcel that is normally separated from residential or other subdivision lots that may or may not be contiguous. Both septic tank or sewage treatment plant and drainfield serve multiple units of residential uses or other uses.

DIVISION 3. WESTLAKE VILLAGE CENTER OVERLAY DISTRICT

Sec. 25-493. Permitted uses.

The uses permitted in the Village Center Overlay District shall be those permitted in the underlying zoning district and also the following uses. Where there is a conflict between the uses provided in the underlying zoning district and the uses provided below, the more inclusive list shall apply, unless such use is in the list of prohibited uses found in section 25-494 below.

- Agriculture
- Churches
- Community Center
- Day Care Centers
- Eldercare centers, homes, facilities (licensed)
- Emergency Service Facilities - Fire and Rescue
- Homes for the developmentally disabled
- Hospitals
- Libraries
- Nursing Homes
- Parks
- Playgrounds
- Post Office
- Schools, public or private
- Senior citizen centers
- (Ord. of 7-16-02(2); Ord. of 11-19-04)

No one spoke for or against the proposed ordinance amendments.

**(RESOLUTION #17-02-2006)**

BE IT THEREFORE RESOLVED by the Board to approve the Zoning Ordinance amendment(s) as advertised and submitted for Board review in accordance with § 15.2-2283. Purpose of zoning ordinances.

MOTION BY: Charles Poindexter  
SECONDED BY: David Hurt  
VOTING ON THE MOTION WAS AS FOLLOWS:  
AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

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**PUBLIC NOTICE**

The Franklin County Board of Supervisors will hold a public hearing at approximately 6:00 P.M., on Tuesday, February 21<sup>st</sup>, 2006, in the Meeting Room located in the Courthouse, Rocky Mount, Virginia to consider the adoption of the proposed ordinance to the Franklin County Code Chapter 12: Article III. Section 12-30: Noise Ordinance. The purpose and intent of this article is to establish standards and guidelines for the abatement of certain noises and to promote the health, safety and general welfare of the public.

**NOISE ORDINANCE  
ARTICLE III**

**CHAPTER 12-30: NOISE ORDINANCE**

**Section 12-30: Purpose.**

The purpose and intent of this article is to establish standards and guidelines for the abatement of certain noises and to promote the health, safety and general welfare of the public.

**Section 12-31: Definitions.**

The following terms, words and phrases, when used in this chapter, shall have the meanings hereinafter ascribed to them, unless otherwise clearly indicated by the context in which used:



*Decibel.* A unit for measuring the volume of sound equal to twenty (20) times the logarithm to the base ten (10) or the ratio of the pressure of the sound in microbars to a reference pressure of 0.0002 microbar; and is abbreviated db(a) or dba.

*Device.* Any mechanism, which is intended to, or actually produces noise when operated or handled.

*Emergency Work.* Any work made necessary to restore property to a safe condition following a public calamity, or work required to protect persons or property from immediate exposure to danger, including work performed by public service companies when emergency inspection, repair of facilities or restoration of services is required for the immediate health, safety or welfare of the community.

*Motor Vehicle.* Any vehicle which is self-propelled or designed for self-propulsion including, but not limited to, passenger cars, trucks, truck-trailers, semitrailers, campers, motor boats and racing vehicles and any motorcycle (including, but not limited to, motor scooters, mini-bikes, all-terrain vehicles and three wheelers) as defined by Code of Virginia, §46.2-100, Definitions.

*Noise.* Any sound which may cause or tends to cause an annoyance or disturbance or which causes or tends to cause an adverse physiological or psychological effect on human beings.

*Noise Disturbance.* Any unnecessary sound which annoys, disturbs or perturbs reasonable persons with normal sensitivities; or any unnecessary sound which reasonably may be perceived to injure or endanger the comfort, repose, health, peace or safety of any person.

*Sound.* Any oscillation in pressure or particle medium with internal forces that causes rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

*Sound Pressure.* The instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space.

*Sound Level.* The weighted sound pressure level obtained by the use of a sound level meter and the A- frequency-weighting network, as specified in the American National Standards Institute Specification for Sound Level Meters.

*Sound Level Meter.* An instrument which includes a microphone amplifier, RMS detector, integrator or time average, output meter and weighting networks used to measure sound pressure levels.

*Person.* Any individual, corporation, cooperative, partnership, firm, association, trust, estate, private institution, group, agency or any legal successors, representative, agent or agency thereof.

*Public Right-of-Way.* Means any street, avenue, boulevard, highway, alley or public space which is owned or controlled by a public governmental entity.

*Weighted Sound Level.* The sound pressure level in decibels as measured on a sound level meter using the A-Weighing network.

### **Section 12-32: Administration and Enforcement.**

The provisions of this article shall be enforced and administered by the Sheriff of Franklin County, who is hereby designated as the Noise Control Officer for the County of Franklin. The Sheriff may, in his discretion, ask for the assistance of other departments within the county in administering and enforcing the provisions herein.

### **Section 12-33 Noises prohibited. The following act is violation of this article:**

- (a) Using or operating a loudspeaker or other sound amplification device in a fixed or movable position exterior to any building, or mounted upon any motor vehicle or boat or



mounted in the interior of a building or vessel with the intent of providing service to an exterior area for the purpose of commercial advertising, giving instructions, information, directions, talks, addresses, lectures, or providing entertainment to any persons or assemblage of persons on any private or public property when such activities exceeds the Maximum Sound Pressure Levels as established in Section 12-34 of this Chapter.

**Section 12-34: Maximum Sound Pressures Levels.**

Table: Maximum Sound Pressure Levels

Receiving Land Use Category	Sound Level Limit dBA	
	7:00 am-10:00 pm	10:00 am pm-7:00
Receiving Land/Property Sound Level Limit dBA	60	55

- 1. Sound shall be measured by the use of a sound level meter on the A-frequency-weighting network.
- 2. Sound shall be measured at the property line or right-of-way.

**Section 12-35: Penalties and Violations.**

- 1. Any person who violates any provision of this chapter shall be guilty of a Class 3 misdemeanor.
- 2. Each violation of any provision of this chapter shall constitute a separate offense, whether committed on the same or subsequent days.
- 3. The person operating or controlling a noise source shall be guilty of any violation caused by that source. If that can not be determined, any owner, tenant, resident or occupant physically present on the property or in possession of the noise source, is presumed to be guilty of the violation.

**Section 12-36: Noises exempted.**

- 1. Radios, sirens, and horns on sheriff, police, fire or other emergency response vehicles.
- 2. Parades, fireworks or other permitted special events or activities.
- 3. Sound amplifying equipment used at public parks or recreation fields.
- 4. Band performances or practices, athletic contests or practices and other school-sponsored activities on the grounds of public schools, provided that such activities have been authorized by school officials.
- 5. Religious services, religious events or religious activities, including, but not limited to music, bells, chimes and organs which are a part of such religious activity.
- 6. Commercial, industrial or business activities lawfully conducted on or permitted upon land, excluding noises prohibited as established in Section 12-33 of this Chapter.

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**PUBLIC NOTICE**

The Franklin County Board of Supervisors will hold a public hearing at approximately 6:00 P.M., on **Tuesday, February 21<sup>st</sup>, 2006**, in the Board of Supervisor’s Meeting Room, located in the Courthouse, Rocky Mount, Virginia to consider the adoption of an ordinance titled Mandatory Septic Tank Pump-out.

This proposed ordinance would require all septic tanks located within 500 feet of Smith Mountain Lake to be pumped or inspected for a determination of whether it needs to be pumped on a frequency of at least once every five years. A \$35.00 one time registration fee would be required by the ordinance to be paid by affected property owners.

**DRAFT ORDINANCE**



## **Sec. XX-X Mandatory Septic Tank Pump-out**

(a) All on-site sewage treatment systems with a septic tank or drain field that is located within 500 feet of the 795 foot contour of the shores of Smith Mountain Lake shall be pumped out at least once every five (5) years. Furthermore, in lieu of requiring proof of septic tank pump-out every five (5) years, the county may allow owners of on-site sewage treatment systems to submit to county, documentation every five (5) years, certified by a sewage handler permitted by the Virginia Department of Health, that the on-site sewage treatment system has been inspected, is functioning properly, and the tank does not need to have the solids pumped out. The determination that the tank does not need to have the solids pumped out shall be based on an internal measurement of the solids in the tank. If the solids represent 1/3 or more of the effluent height as measured by a VDH certified inspector/pumper, the tank should be pumped. Such pumping and maintenance shall be performed in a manner approved by the County. The owner of a septic system shall immediately upon having the on-site sewage treatment system inspected, and or, pumped certify in documentation certified by a sewage handler permitted by the Virginia Department of Health, that (1) the on-site sewage treatment system has been inspected, the solids found to be less than 1/3 of the effluent height, and is functioning properly, and the tank does not need to have the solids pumped out or (2) that such pumping and maintenance was performed. The pumping and maintenance required by this section must be performed by an individual or entity approved by the County in addition to being certified by the Virginia Department of Health.

(b) Every on-site sewage treatment systems shall be kept in good repair so that the system functions as originally designed.

(c) Within 6 months of the effective date of this ordinance, the owner of any septic tank covered by these provisions shall register with the County of Franklin as to the location of the tank and the last documented pump out performed on the tank. Said registration shall be accompanied by a registration fee of \$35.00 to be used in the administration of this program.

(d) If the county administrator, or the official designated by he/she, determines that the owner of a septic system has failed to comply with the requirements of subsection (a) or (b) of this section he shall notify the owner of such determination by certified mail, return receipt requested, sent to the address listed in the real estate tax records. Such notice shall also notify the owner that he/she is required to correct the violation. If the violation is not corrected within 30 days after receipt of such notice, the county administrator or his/her designee may correct the violation. The cost of such correction, together with an administrative handling charge of \$150.00, shall be billed to the owner; and if not paid within 30 days, the cost of correction and any administrative charge shall be added to and collected in the same manner as the real estate tax on such property. In addition, the county administrator or his/her designee shall certify to the clerk of the circuit court of the county that the cost and charge is unpaid and the clerk shall record such unpaid cost and charge in the judgment lien docket book.

(e) No person shall connect a storm drain to an on-site sewage treatment system. No person shall discharge unpolluted storm water, surface water, groundwater, roof runoff or subsurface drainage or other unpolluted drainage into an on-site sewage treatment system.

## **Sec. XX – X Disposition of sludge, etc.**

No person shall dispose of the sludge and other material removed from septic tanks except by depositing it into a sewerage system or sewage treatment plant at such designated locations and under such conditions as may be approved by the Department of Public Works. All persons who engage in the business of cleaning septic tanks shall provide the Department of Public Works with the name, address and location of the site where the sludge and other material will be disposed. The county Department of Public Works shall approve the disposal site before any disposal takes place.

The sludge or other material shall be carefully deposited and the surface of the ground, manholes and tanks into which the deposit is made shall be maintained in a sanitary condition. Any sludge or other material that is spilled shall be promptly and completely removed.

Robert Camicia, Chairman of TLAC urged the Board to adopt.

Stan Smith urged the Board to adopt.

**(RESOLUTION #18-02-2006)**



BE IT THEREFORE RESOLVED by the Board to approve staff's recommendation as submitted with an effective date of July 1<sup>st</sup>, 2006 with the noted changes.

MOTION BY: Russ Johnson  
SECONDED BY: Hubert Quinn  
VOTING ON THE MOTION WAS AS FOLLOWS:  
AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

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**DEADLINE FOR PETITIONER TO BRING PROFFERS/CONDITIONS TO PLANNING  
(RESOLUTION #19-02-2006)**

BE IT THEREFORE RESOLVED by the Board to require all petitioners to submit any new/revised set of requested Special Use Permit conditions and any new/revised set of Rezoning proffers for advertised petitions prior to the time to be placed in the Board of Supervisors packet for distribution by close of business on Wednesday prior to the following Tuesday's Board meeting.

MOTION BY: David Hurt  
SECONDED BY: Leland Mitchell  
VOTING ON THE MOTION WAS AS FOLLOWS:  
AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

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Chairman Angell adjourned the meeting.

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WAYNE ANGELL  
CHAIRMAN

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RICHARD E. HUFF, II  
COUNTY ADMINISTRATOR